In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.48388-M of 2007

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Date of decision:.30.10.2007

Santosh and others

…..Petitioners

v.

State of Haryana and others

…..Respondents

…..

Present: Mr. Vikash Mor, Advocate for the petitioners.

Mr. Vikas Chaudhary, Assistant Advocate General, Haryana for the respondent-State.

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S.S. Saron, J.

This Petition under Section 482 Cr.P.C. has been filed for directing respondents No.2 and 3 to protect and ensure the life and liberty of the petitioners from respondent No.4 and 5 and their associates.

On the last date of hearing i.e. 11.10.2007, a copy of this petition was given to the learned State counsel so as to enable him to seek instructions.

A reply has been filed by the Inspector/SHO Police Station Sadar, Rohtak.

According to petitioner No. 4 Krishan, it has been submitted that an application was filed before the Superintendent of Police, Rohtak (respondent No. 2). However, in terms of the reply filed by Inspector/SHO Police Station Sadar, Rohtak, it is submitted that it is wrong that petitioner No. 4 on behalf of all the petitioners made an application to respondent No. 2 to ensure and protect their life and liberty from the hands of respondents No. 4 and 5 along with their associates. However, if any application is received from the petitioners legal action would be taken. Despite the said averments, learned counsel for the petitioners is emphatic that the application dated 4.10.2007 (Annexure-P.1) was submitted in the office of Superintendent of Police, Rohtak. A perusal, of the said application shows that it is not shown by the petitioner as to whether any diary number was obtained with regard to receipt of the application. Besides, in the petition it is not stated as to when the application was made and by whom was it received. The averments regarding filing of the application (Annexure-P.1) has been made by petitioner No. 4 Krishan son of Kartar Singh. However, the affidavit in support of the petition has been deposed by Santosh daughter of Kartar Singh. Even the said affidavit is defective, inasmuch as, it is stated that "the contents of paras 1 to 3 of the affidavit are true and correct to the best of my knowledge and belief." Therefore, no reliance can be placed on the affidavit as it does not state as to which part of the petition is true and correct according to knowledge. In any case,

the SHO Police Sadar, Rohtak has stated that in case an application is received from the petitioners legal action would be taken.

In view of the above, nothing survives in the present petition and the same is accordingly dismissed. The Petitioners, if so advised, may approach the SHO, Police Sadar, Rohtak.

October 30, 2007. **(S.S. Saron)**
Judge

hsp/sd